

LABOR COMMISSION OPEN MEETING MINUTES

September 29, 2008

9:30 a.m.

**Heber M. Wells Building
160 East 300 South, Third Floor
Salt Lake City Utah 84114**

PRESENT From the Labor Commission:

Sherrie Hayashi, Commissioner
Alan Hennebold, Deputy Commissioner
Richard LaJeunesse, Administrative Law Judge
Robyn Barkdull, Public Information Officer

OTHERS PRESENT:

Shelly Stephens, Workers Compensation Fund
Mike Bonner, Workers Compensation Fund
Dawn Atkin, Attorney
Carrie Taylor, Attorney
Steve Wennergren, Employer
Jeff Rowley, Salt Lake County
Floyd Holm, Workers Compensation Fund Attorney
Quinn Parker, Intermountain Claims

Commissioner Hayashi began the meeting at 9:30 a.m. and asked **Administrative Law Judge, Richard LaJeunesse**, to review the Rule changes being proposed.

1. R602-1-5 Official Record

Judge LaJeunesse explained this Rule clarifies that the official hearing record is the one kept by the administrative law judge.

2. R602-2-1 Pleadings & Discovery

He explained this Rule adds some updated official Adjudication forms and makes changes to others.

3. R602-2.2 Medical Panel Guidelines

Judge LaJeunesse stated this rule shifts the provision permitting the UEF to pay for medical opinions, from the Adjudication Section to the Industrial Accidents Division.

Mr. Hennebold explained that the Industrial Accidents Division was currently drafting a proposed Rule to take ownership from Adjudication of pre-litigation medical evaluations which would be discussed at the next Open Meeting.

4. R602-4 Procedures for termination of disability compensation.

Judge LaJuenesse explained this newly created rule, R602-4, Procedures for Termination of Temporary Total Disability Compensation Pursuant to Reemployment, creates an expedited hearing process to implement H.B. 384 (“Morley Bill”) pursuant to Utah Code Section 34A-2-410.5., which went into effect on July 1, 2008. He said this Rule provides procedural rules for conducting the expedited hearings.

5. R602-5 Procedures to resolve disputes

Judge LaJeunesse stated this Rule provides procedural rules for conducting expedited hearings for issuing final order of permanent total disability compensation based on employers failure to diligently pursue the reemployment plan under Utah Code Section 34A-2-413 (6) (e) (iii) or termination of permanent total disability compensation based on the employees failure to cooperate with the reemployment plan pursuant to Utah Code Section 34A-2-413 (9).

6. R602-6 Settlement Agreements

Judge LaJeunesse explained this is merely a renumbering of the existing rule on settlement agreements and does not involve any changes.

As there were no questions following the review and explanation of the Rules being proposed, **Commissioner Hayashi** said the Commission would continue through the Rulemaking process with them.

The Commissioner adjourned the meeting at 9:50.